

Handling The Noise Issue: Why The Navy Should Not Construct Another Outlying Landing Field (OLF)

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Handling the noise issue:
Why the Navy should not construct
another Outlying Landing Field (OLF)

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In homebasing the F/A-18 E/F Super Hornet squadrons to the East Coast, the Navy intends to construct an outlying landing field (OLF) at Site C in Washington County, North Carolina¹ (see Figure 1) to accommodate field carrier landing practice (FCLP)² and to mitigate noise caused by the louder aircraft. However, the Navy should not construct an additional OLF to accommodate the relocation of the Super Hornet. Instead, the Navy should continue using the OLF associated with NAS Oceana, Naval Auxiliary Landing Field (NALF) Fentress in Chesapeake, Virginia because it is the more environmentally and fiscally rational choice.

I. Environmental Considerations

The Washington County OLF will negatively impact the rural county's environment. The OLF, located five miles west of the Pocosin National Wildlife Refuge (NWR) where the Pungo Unit

¹ Record of Decision for Introduction of F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States, Fed. Reg. 53,353 (Sept. 10, 2003) <<http://wais.access.gpo.gov>> (03 January 2005). In addition to the OLF, the Navy intends to locate eight fleet squadrons and the Fleet Replacement Squadron (FRS) at Naval Air Station (NAS) Oceana, Virginia and two fleet squadrons at Marine Corps Air Station (MCAS) Cherry Point. 96 aircraft at NAS Oceana; 24 aircraft at MCAS Cherry Point.

² The operational readiness criteria includes "unrestricted Field Carrier Landing Practice (FCLP) on station or at an Outlying Landing Field (OLF)." The FEIS further defines this as (a) "the capability to conduct 24-hour operations without restricting normal traffic" and (b) "capability to conduct FCLP operations with a left-hand pattern at the facility or OLF." Final Environmental Impact Statement (FEIS) for the Introduction of the F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States," July 2003. <<http://www.efaircraft.ene.com/feis/NAVY/FEIS.pdf>> (28 December 2004), Table ES-1

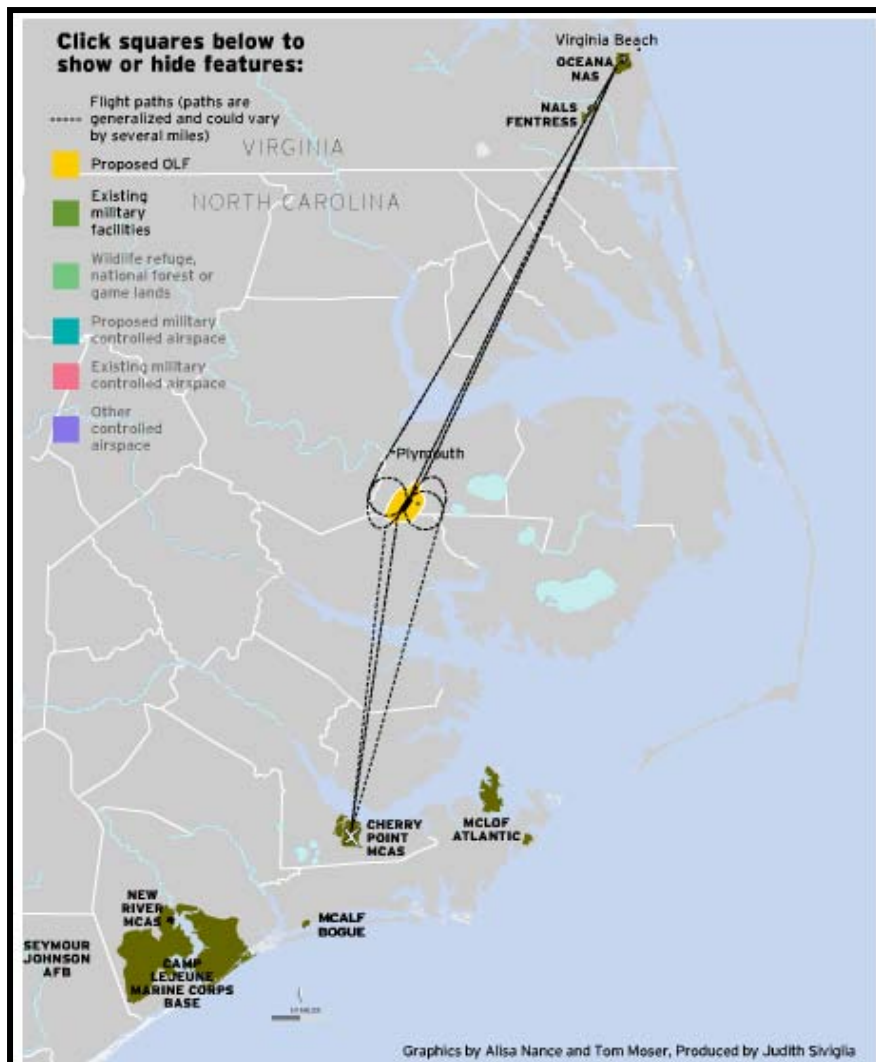


Figure 1.³ Location of Washington County OLF in center

provides a safe haven for waterfowl,⁴ threatens to disturb wintering migratory birds, jeopardizes the county's quality of life, and inappropriately mitigates noise pollution at Virginia Beach.

³ <http://www.newsobserver.com/news/growth/story/2010467p-8392782c.html>

⁴ U.S. Fish and Wildlife Service, *Pocosin Lakes, National Wildlife Refuge*, <<http://pocosinlakes.fws.gov/qa.html>> (04 February 05)

Bird strike mitigation measures at the OLF⁵ may degrade the region's ecological value as a migratory stopover along the Atlantic Flyway.⁶ The Navy will manage bird/animal strike hazards (BASH) by using a myriad of techniques such as radar detection and habitat management.⁷ However, ecological advocates attest that BASH management methods will reduce the numbers of wintering migratory birds at the NWR in the long term.⁸

Furthermore, the Migratory Bird Treaty Act (MBTA) may not afford protected species today's safeguards at Site C if the proposed rule by the Department of Interior becomes law. The proposed rule affords leniency by "exempt[ing] the Armed Forces

⁵ The Navy concluded that "periods of time exist during which a significant number of potentially hazardous bird species move through the airspace." Final Environmental Impact Statement (FEIS) for the Introduction of the F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States," July 2003. <<http://www.efaircraft.ene.com/feis/NAVY/FEIS.pdf>> (28 December 2004), 12-145

⁶ N.C. Wildlife Resources Commission, *Atlantic Flyway Tundra Swan Research*, <http://www.ncwildlife.org/pg07_WildlifeSpeciesCon/pg7b6.htm#intro> (04 February 2005) The Tundra Swan is one example of wintering migratory birds. North Carolina Wildlife Resources Commission (WRC) states: "North Carolina plays a vital role in the yearly cycle of the Eastern Population of tundra swans, wintering more swans, by far, than any other state on the East Coast. Each fall, approximately 65 - 75 thousand swans migrate to northeastern North Carolina to take advantage of the abundant food sources found in our lakes, sounds and farms. The approximately 25 thousand remaining swans in this population winter in Pennsylvania, Maryland, Delaware, Virginia, and New Jersey."

⁷ Final Environmental Impact Statement (FEIS) for the Introduction of the F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States," July 2003. <<http://www.efaircraft.ene.com/feis/NAVY/FEIS.pdf>> (28 December 2004), 12-123 and 12-145

⁸ Complaint for the National Audubon Society, *Nat'l Audubon Soc'y v. Dep't of Navy*, January 2004. http://www.southernenvironment.org/Cases/navy_olf/complaint_010804.pdf (02 February 2005)

for the incidental taking of migratory birds during military readiness activities.”⁹ The Department of Defense has lobbied to relax enforcement of the MBTA.¹⁰ If approved, the new rule jeopardizes common ground between the United States Wildlife Commission and Department of Defense – common ground on which Site C’s procurement is based.

Because the Navy intends to preclude residential development, the surrounding agricultural lands will likely preserve foraging habitat in the long term despite noise nuisances. Roads and residential development degrade the environment by, for example, increasing deaths by feral cats and automobiles. Because the effect of low-level jets on migratory waterfowl is unclear, adding FCLP operations in addition to the low-level flights currently flying over the NWR,¹¹ may produce consequences that will stress the current bird populations and constitute an incidental taking. Yet, as pristine environments

⁹ Migratory Bird Permits; Take of Migratory Birds by Department of Defense, 69 Fed. Reg. 31074 (proposed June 2, 2004) (to be codified at 50 C.F.R. pt. 21)

¹⁰ *Military Construction and Environmental Programs before the Senate Armed Services*. (06 March 2003) (statement by H.T. Johnson, Assistant Secretary of the Navy)
<<http://search.epnet.com/login.aspx?direct=true&AuthType=cookie,ip,url,uid&db=mth&an=32Y1214338782>> (03 December 2004)

¹¹ Final Environmental Impact Statement (FEIS) for the Introduction of the F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States,” July 2003. <<http://www.efaircraft.ene.com/feis/NAVY/FEIS.pdf>> (28 December 2004), p.12-121

disappear, waterfowl undoubtedly prefer working landscapes to shopping malls and highways.

Quality of life, however, isn't just for the birds. The presence of military aircraft militarizes the rural fabric of Washington County which jeopardizes the livelihoods unique to rural landscapes.¹² Even though the Navy plans to support the state's agricultural preservation program, the farming community surrounding Site C does not identify with a military culture.¹³ NAS Norfolk, on the other hand, consists of 9,700 Navy personnel and 12,300 dependents¹⁴ living in a denser urban area. Since 9-11, communities near air bases consider jet noise the "sound of freedom."¹⁵ However, residents in Washington County view the

¹² Bennet Heart, et al., *Community Rules: A New England Guide to Smart Growth Strategies*. (Conservation Law Fund, 2002), 37.
(http://www.vtsprawl.org/Resources/publications/community_rules/community_rules_chapter_4.pdf (03 February 2005))

¹³ This in no way assumes that farmers are not patriotic or supportive of their nation.

¹⁴ Naval Air Station Oceana <www.nasoceana.navy.mil> (04 February 2005)

¹⁵ For example, Vargo and Santschi write that complaints generated by fighter jets and helicopters at Miramar dropped from 2,000 complaints to 50 calls after September 11, 2001. See Joe Vargo and Darrell R. Santschi. "Base Closures: Uncertain Future for Inland Bases." *Press Enterprise*, 09 August 2004, Lexis-Academic (03 December 2004). Furthermore, a survey in Virginia Beach of 404 people living three AICUZ zones noted the following: "a number of people mentioned that their ears were bothered by the noise 'in a literal sense,' but believed that the reason for the noise was important, or they felt patriotic when they heard the military jets fly overhead. This is not meant to ignore the people who were upset about the noise and voiced some anger over the sound levels, however, there were very few people in that category." Jeanine Perry, *City of Virginia Beach: AICUZ Zone Household Survey* (Norfolk, VA: Continental Research, June 2004)
http://www.vbgov.com/city_hall/hot_topics/pdf/AICUZ_Zone_Household_Survey.pdf (02 February 2005), 23

OLF's jet noise as "noise exportation" ¹⁶ defacing their way of life.

Furthermore, the Navy's goal to "distribute the beneficial as well as the adverse impacts of homebasing to more than one community"¹⁷ is not the sole remedy to mitigating airborne noise, one of eleven encroachment issue areas under DoD scrutiny.¹⁸

¹⁶ Franky S. Lee writes in a letter to the editor commenting that a Beaufort county commissioner "has fought from day one to call the Navy to task in their noise-exportation/land usurpment scheme." Letter to the editor. *Washington Daily News*. December 21, 2004
<http://www.wdnweb.com/articles/2004/12/21/opinion/editorial02.txt>> (01 January 2005) Also, Sandifer quotes a Southern Environmental Law Center senior attorney that the Navy is targeting the "environmental impacts in Virginia to justify the decision to build the OLF in North Carolina without adequately assessing the environmental impacts here...We've at least gotten agreement with at least the first half of that from the Navy...They're as upfront and direct as they've been anywhere in this brief. It's not about military readiness; it's not about national security; it's not about war in Iraq; **it's about noise in Virginia.**" (Emphasis added) Bill Sandifer, "Navy touts NEPA work," *Washington Daily News*, 23 December 2004, <http://www.wdnweb.com/articles/2004/12/23/news/news02.txt>> (01 January 2005) Finally, FEIS states: "The Navy's overall goals in siting an OLF were to minimize noise impacts on surrounding populations and to prevent incompatible development that would reduce training effectiveness. Population density greater than 50 persons per square mile was, therefore, one of the preliminary siting factors used to screen out locations that would not be suitable for an OLF." *Final Environmental Impact Statement*, JE2-44 Response. The Draft Hampton Roads Joint Land Use Study, discussed later in this essay, coincides with journalist Dorsey's article that "[t]he Navy is hoping to build another auxiliary field in North Carolina, to take some of the pressure - and noise - away from Fentress." Jack Dorsey. "Training is touch-and-go around Oceana." *The Virginia Pilot*, 13 September 2004, <<http://home.hamptonroads.com/stories/story.cfm?story=75483&ran=133514>> (14 December 2004)

¹⁷ Senator John Warner wrote in disbelief to the Navy's preference to split-base the Super Hornet instead of locating all of the Super Hornets at NAS Oceana. The Navy's response to the congressmen was that while single siting amounted to the lowest one-time construction cost and lowest 30-year life cycle costs, "the duel-siting (sic) alternatives distribute the beneficial as well as the adverse impacts of homebasing to more than one community." *Final Environmental Impact Statement*, Response ELS-1, Part 2, Appendix H.

¹⁸ Urban growth as well as endangered species and critical habitat are also listed as an encroachment issue area. Office of the Secretary of Defense, Ensuring Training Ranges Support Training Requirements (February 2004) at 4.

First, the impacts of noise surrounding NAS Oceana may not be severe enough to legitimate procurement of another OLF. Second, the military and local governments have tools to address the issue of noise mitigation.

The impact of noise at NAS Oceana does not detract from the quality of life in Virginia Beach in the first place. A survey conducted to capture the impact of jet noise in Virginia Beach summarized that most respondents "did not find the jet noise to be very bothersome. About [ninety percent] were satisfied with their overall quality of life in Virginia Beach, and none of those who were dissatisfied cited jet noise as their reason."¹⁹ In spite of this, the Navy wants an OLF to decrease "off-station noise exposure" resulting from homebasing the Super Hornet.²⁰

http://www.defenselink.mil/prhome/docs/rpt_congress.pdf> (06 December 2004) Naturally, noise relates to these issues as demonstrated by MGEN Antwerp comments that live-fire time constraints due to noise impacts as "secondary encroachment effects of urban development on ranges and training land." *Threats to Armed Forces Readiness: Hearing Before the Committee on Government Reform, United States House of Representatives* (May 16, 2002)(statement of Major General Robert L. Van Antwerp, Assistant Chief of Staff for Installation Management Headquarters, Department of the Army).

¹⁹ Jeanine Perry, *City of Virginia Beach: AICUZ Zone Household Survey* (Norfolk, VA: Continental Research, June 2004) http://www.vbgov.com/city_hall/hot_topics/pdf/AICUZ_Zone_Household_Survey.pdf (02 February 2005),23

²⁰ Record of Decision for Introduction of F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States, Fed. Reg. 53,353 (Sept. 10, 2003) <<http://wais.access.gpo.gov>> (03 January 2005). Also, the Super Hornet is slightly louder than the F/A-18 C/D Hornet. *Final Environmental Impact Statement*, Table 4-19.

Looking at population density instead of quality of life (see Table 1 and Table 2),²¹ the Navy does not address what percentage threshold, under any basing alternative, is a triggering threshold. The Navy does not know to what extent, if any, the increased noise zones will have on its community's quality of life. As the survey hinted, other factors play a role in quality of life, and jet noise is not always the distraction.

Table 4-7 Off-Station Area (Acres) and Estimated Population within Projected Noise Zones at NAS Oceana and NALF Fentress under the Single-Siting Alternative (ALT 1)

Noise Zone (DNL)	Existing		ALT 1 without OLF		ALT 1 with OLF	
	Area	Population	Area	Population	Area	Population
65 to 70 dB	13,076	37,428	17,047	41,795	15,565	37,946
70 to 75 dB	9,151	26,752	10,295	29,505	10,000	29,465
75 dB or greater	12,462	23,349	17,448	37,067	10,805	34,883
Total	34,689	87,529	44,790	108,367	36,370	102,294
Net Change	—	—	10,101	20,838	1,681	14,765
Percent Net Change			29%	24%	5%	17%

Source: Wyle Laboratories, Inc., 2003.

Table 1.²²

²¹ The Navy reports that the overall increase is eleven percent under the current plan. (See Table 2) However, if all aircraft single-sited at NAS Oceana without Site C, impacted residents in noise zones would increase by twenty-four percent. (See Table 1).

²² Final Environmental Impact Statement (FEIS) for the Introduction of the F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States," July 2003. <<http://www.efaircraft.ene.com/feis/NAVY/FEIS.pdf>> (28 December 2004), p.4-29

Table 4-10 Off-Station Area (Acres) and Estimated Population within Projected Noise Zones at NAS Oceana and NALF Fentress under Dual-Siting Alternatives 5A and 6

	Existing		ALT 5A		ALT 6 without OLF		ALT 6 with OLF	
	Area	Pop.	Area	Pop.	Area	Pop.	Area	Pop.
65 to 70 dB	13,076	37,428	11,257	32,527	16,015	39,816	14,793	35,222
70 to 75 dB	9,151	26,752	8,308	22,847	10,183	29,311	9,785	29,184
75 dB or greater	12,462	23,349	10,542	20,506	16,774	35,161	10,399	33,154
Total	34,689	87,529	30,107	75,880	42,972	104,288	34,977	97,560
Net Change			(4,582)	(11,649)	8,283	16,759	288	10,031
Percent Net Change			(13%)	(13%)	24%	19%	1%	11%

Source: Wyle Laboratories, Inc., 2003.

Table 2.²³

The Navy has embraced live training with its increased requirement for FCLP training. Although NAS Oceana can accommodate FCLP training at both the naval air station and the NALF, pilots argue that reducing negative impacts to the surrounding community has made FCLP training unrealistic which endangers their lives in combat. Notwithstanding noise exportation, pilot safety and readiness cannot be downplayed. If simulators²⁴ and other aids cannot accommodate training requirements with current FCLP capabilities at NAS Oceana and

²³ Final Environmental Impact Statement (FEIS) for the Introduction of the F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States," July 2003. <<http://www.efaircraft.ene.com/feis/NAVY/FEIS.pdf>> (28 December 2004), p.4-30

²⁴ *Military Training: DOD Needs a Comprehensive Plan to Manage Encroachment on Training Ranges: Hearing Before the Committee on Government Reform, House of Representatives* (May 16, 2002)(Statement of Barry W. Holman, Director, Defense Capabilities and Management) <<http://www.gao.gov/new.items/d02727t.pdf>> (06 Feb 2005)(emphasis added),10. The report also points to the need to establish a baseline to better understand encroachment degradation; however, relying on live training "may overstate an installation's problems and [does] not provide a complete basis for assessing training range needs."

improper training jeopardizes residents and pilots alike, the Navy may be justified in procuring an additional OLF unhampered by restrictions.

Training, however, will not cease at NAS Oceana. Therefore, the Navy and surrounding local governments need to more aggressively use the tools aimed at reducing noise. Air Installation Compatible Use Zone (AICUZ) plans strive to lessen encroachment of nonconforming land uses with air operations.²⁵ Unfortunately, incompatible uses surrounding air installations remain a challenge because AICUZ land-use codes may not parallel local zoning maps.²⁶ In response to a myriad of AICUZ changes, the City of Virginia Beach has stated that "they would be applying the new Land Use Compatibility Table to rezoning and conditional use permit applications effectively immediately."²⁷

²⁵ A few examples include enforcement of building codes to attenuate indoor noise pollution and AICUZ disclosures in rental and real estate agreements.

²⁶ *Sustainable Planning: Multi-Service Assessment 1999* (Edaw, Inc.), 47.
<http://www.cecer.army.mil/SustDesign/SPReport.pdf> (06 December 2004)

²⁷ In August 1994, the chronology states: "City Council adopts an "Airport Zoning Program" consisting of the Airport Noise Attenuation and Safety Ordinance (AICUZ Ordinance) and amendments to the City Zoning Ordinance (CZO), Site Plan Ordinance, and Subdivision Ordinance. Noise zones were created surrounding NAS Oceana and NALF Fentress. Regulations requiring disclosure and noise attenuation measures became effective on January 1, 1995. The Program includes use of a "Land Use Compatibility Table," provided by the Navy, which indicates what uses are 'Compatible', 'Conditionally Compatible' (need sound attenuation, for example), and are 'Not Compatible.' These uses, in terms of those that are conditional uses in the CZO, are listed in Section 221.1 of the CZO." *Chronology of the City of Virginia Beach Efforts to Reduce Encroachment*, 04 November 2003, www.vbgov.com/city_hall/hot_topics/pdf/Chronology_AICUZ.pdf (04 February 2005)

However, incompatible land uses are still prevalent within the AICUZ zones. The Navy, fortunately, is not without remedy.

Because zoning lacks permanence,²⁸ the Navy should continue to purchase "conservation buffer zones,"²⁹ the more effective alternative to combating incompatible uses, in the vicinity of NAS Oceana.³⁰ The National Defense Authorization Act of FY 2003, as codified under 10 USC Section 2684a empowers the Navy to enter into agreements that limit encroachment.³¹ For example, the Davis-Monthan Joint Land Use Study (JLUS) encourages the City of Tucson and Pima County to coordinate with the Davis-Monthan AFB in using Section 2684a to procure conservation

²⁸ *Readiness Impact of Range Encroachment Issues, Including Endangered Species and Critical Habitats; Sustainment of the Maritime Environment; Airspace Management; Urban Sprawl; Air Pollution; Unexploded Ordnance; and Noise: Hearing Before the Subcommittee on Readiness and Management Support of the Committee on Armed Services United States Senate*, 107th Cong. 35 (2001) (Statement by Maj. Gen. Hanlon, Jr. USMC, Commanding General, Camp Pendleton, California). MajGen Hanlon spoke to Compatible Use Zone studies which should be shared with local planning authorities: "This process is only effective when it receives the support of the local planning authorities. Absent appropriate zoning restrictions, buffer land acquisition is our sole remedy to legitimate noise complaints."

²⁹ David Lockwood, *Military Base Closures: Implementing the 2005 Round* (Updated October 21, 2004). CRS Report to Congress, 12. <<http://hutchison.senate.gov/RL32216.pdf>> (07 December 2004)

³⁰ For example, Boulder, CO, is one of many places purchasing land to curb development and preserve open space. Anne Mackin. "Don't Zone the Scenery. But It Instead." *The Washington Post*. 16 January 2005. (B2)

³¹ 10 U.S.C. Sec. 2684a. at <http://uscode.house.gov> The National Defense Authorization Act of 2003 authorized the Secretary of Defense to acquire land around bases; it has been codified in Title 10 of the U.S. Code, Section 2684a. Section 2684a(a)(1) reads that the SecDef "may enter into an agreement...to address the use or development of real property in the vicinity of a military installation for the [purpose of] ... limiting development or use of property that would be incompatible with the mission of the installation."

easements within its Approach-Departure Corridor and APZs.³² The Draft Hampton Roads JLUS, inclusive of NAS Oceana, also acknowledges Section 2684a by writing:

The Navy can capitalize on this additional acquisition strategy by pursuing available funding opportunities within the DoD Encroachment Partnership Program. Establishing partnerships among the military and local, state, and non-profit entities would enable a quick and effective response when priority real estate acquisition opportunities emerge and can leverage the Navy's existing encroachment prevention efforts.³³

Currently, successful examples exist: Camp Blanding, Florida³⁴ and MCAS Beaufort, South Carolina.³⁵ NAS Oceana should mimic their efforts.

As hinted to previously, Joint Land Use Studies (JLUS) present additional opportunities to achieve compatibility.³⁶

³² Parsons, *Davis-Monthan Air Base/Tucson/Pima County Joint Land Use Study*, February 2004
<http://www.commerce.state.az.us/doclib/COMMASST/DM%20Graphics/DM.Final.JLUS.Feb04.pdf> pp. 6-4 and 6-5 (06 December 2004)

³³ *Draft Hampton Roads Joint Land Use Stud*, (Edaw, Inc: 22 November 2004), Chapter 5, p.9
<<http://www.hrpdc.org/JLUS/documents/documents.aspx#>> (04 February 2005)

³⁴ John Housein, "New Tools for Battling Encroachment," *Public Works Digest*, Volume XV, No.6, November/December 2003. p.34
http://www.ima.army.mil/files/pw_digest_nov-dec.pdf (accessed 06 December 2004)

³⁵ Greg Hambrick. County, military pair up for land purchase. *The Beaufort Gazette*. 09 November 2004
http://www.beaufortgazette.com/local_news/story/4166255p-3938017c.html (28 November 2004)

³⁶ DoD Instruction 3030.3, "Joint Land Use (JLUS) Program," July 13, 2004.
(www.dtic.mil/whs/directives/corres/text/i30303p.txt) (12 December 2004) DoD instruction states that "[i]t is DoD policy to work toward achieving compatibility between military installations and neighboring civilian communities by a joint compatible land use planning and control by the local community in cooperation with the local military installation."

Unfortunately, JLUS's are not available to all bases.³⁷ In the case of NAS Oceana and its surrounding communities, Chesapeake and Virginia Beach, the Hampton Roads JLUS is expected to be completed in February of 2005. Consequently, NAS Oceana has not exhausted available remedies to deal with noise and should do so before constructing new facilities.

Unfortunately, the Draft Hampton Roads JLUS includes the following language: "[T]he Navy would pursue an Outlying Landing Field in North Carolina as a strategic addition to current Navy facilities. The ability to accommodate additional flight training activities at a site outside of developed areas in the Hampton Roads region would alleviate impacts around NAS Oceana and NALF Fentress."³⁸ Construction of an OLF outside of the JLUS study area may reduce the size of the AICUZs which is what would occur under a number of other circumstances such as base realignment, other homebasing alternatives, or the decommissioning of aircraft. Not only does the language downplay the need to deal with the impacts, it sets the precedence that the cities of Virginia Beach and Chesapeake are too developed to host the Navy and that joint land use compatibility planning has failed before it started.

³⁷ *Sustainable Planning: Multi-Service Assessment 1999* (Edaw, Inc.), 47. <http://www.cecer.army.mil/SustDesign/SPReport.pdf> (06 December 2004)

³⁸ *Draft Hampton Roads Joint Land Use Stud*, (Edaw, Inc: 22 November 2004), Chapter 5, p.8 <<http://www.hrpdc.org/JLUS/documents/documents.aspx#>> (04 February 2005)

The magnitude of the OLF - six times larger than NALF Fentress - perhaps demonstrates the Navy's desperate battle to counter encroachment at NAS Oceana.³⁹ If Site C represents the ideal model for air operations to operate safely without noise pollution, then purchasing conservation buffers around existing facilities will be costly. However, the effect of encroachment on military readiness remains unclear:

[S]ervice readiness data do not indicate that encroachment has significantly affected training readiness. ***Even though in testimonies and during many other occasions DOD officials have cited encroachment as preventing the services from training as they would like, DOD's primary readiness reporting system does not reflect the extent to which encroachment is a problem.***⁴⁰

The debate is one of land use planning and setting priorities - don't blame the noise, blame the planner.

II. Fiscally Irresponsible

The most positive reasons to construct another OLF is tempered by this year's base closure and realignment of U.S.

³⁹ Louis Hansen. "Beach to Ask for Federal Aid to Buy Development Rights around Oceana." *The Virginian-Pilot*, 17 September 2004, Lexis-Nexis Academic (03 December 2004) Hansen writes that the defense department considers Oceana the most encroached upon air base.

⁴⁰ *Military Training: DOD Needs a Comprehensive Plan to Manage Encroachment on Training Ranges Before the Committee on Government Reform, House of Representatives*, (May 16, 2002) (Statement of Barry W. Holman, Director, Defense Capabilities and Management), (emphasis added), 9 <<http://www.gao.gov/new.items/d02727t.pdf> >

military installations.⁴¹ To buy 30,000 acres "to provide for operational flexibility and to mitigate noise impacts"⁴² now flies in the face of BRAC which intends to relinquish excess military lands. The current military inventory of installations may be able to accommodate the Navy's surge requirement under the Force Response Program (FRP).⁴³ Thus, the Navy may revisit the purchase of land for an additional OLF after BRAC 2005.

The Navy's rationale to accommodate surge capacity under FRP remains to be seen. First, Exercise Summer Pulse '04, the Navy's first exercise to demonstrate its Fleet Response Plan (FRP),⁴⁴ recently concluded in August of last year.⁴⁵ Second, the Navy also emphasizes the Global War on Terror for greater flexibility. However, the question of sustainability is still

⁴¹ The SECDEF will produce a list of bases for consideration on May 16, 2005 and the Base Closure and Realignment Commission (BRAC) will make its recommendations on September 8, 2005.

⁴² Final Environmental Impact Statement (FEIS) for the Introduction of the F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States," July 2003. <<http://www.efaircraft.ene.com/feis/NAVY/FEIS.pdf>> (28 December 2004), 4-10

⁴³ The Navy adds: "[I]n the wake of operations Enduring Freedom and Iraqi Freedom, the Navy is institutionalizing surge readiness as a part of the emerging national defense strategy." FEIS, ES-27.

⁴⁴ Undersecretary of Defense and Comptroller Dr. Dov Zakheim stated that "[t]he Fleet Response Plan of the Navy is just as revolutionary... The Fleet Response Plan is already up and running. What this is going to do is allow us to get our forces in the field overseas with far more firepower far more quickly. It is, again, a major, major development." *Special Defense Department Briefing with the Fiscal Year 2005 Budget*, February 2, 2004
<<http://www.defenselink.mil/transcripts/2004/tr20040202-0408.html>>

⁴⁵ "Seven Carrier Strike Groups Underway for Exercise Summer Pulse '04," *All Hands* 1048 (Aug 2004):8

left unanswered. No evidence appears to indicate that current facilities cannot support surge capabilities.

The Navy also failed to define surge operations by omitting details in the final environmental impact statement (FEIS) by stating that "[t]he intensity, duration, and timing of surge operations are impossible to predict." However, in justifying another OLF, the Navy writes that during the higher concentrations of flight operations, or "surge periods," the "existing facilities do not have the capacity to meet the Atlantic Fleet's FCLP requirements efficiently."⁴⁶ Coincidentally, the SECDEF has not yet determined the "potential, prudent, surge requirements to meet [threats to national security.]"⁴⁷ An additional OLF should be the result of accurate assessment of surge requirements.

Finally, assuming surge capacity increases FCLP operations, the current military leasehold may be able to sustain increased military readiness needs. Addressing whether BRAC 2005 will inadequately consider surge capacity, the DoD stated that "[i]n 1999, after three rounds of BRAC using [military value] criteria...[the DoD] looked closely at its ability to accommodate

⁴⁶ Final Environmental Impact Statement (FEIS) for the Introduction of the F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States," July 2003. <<http://www.efaircraft.ene.com/feis/NAVY/FEIS.pdf>> (28 December 2004), ES-27

⁴⁷ Final Selection Criteria, 69 Fed. Reg. 6948 (Feb. 12, 2004).

increased requirements and found that even after four rounds of base realignments and closures it could accommodate the reconstitution of [the] 1987 force structure - a significantly more robust force than exists today."⁴⁸ If after five rounds of BRAC, the DOD can accommodate today's force structure that is built to counter today's threats to national security, the Navy need not expend tax revenue on an additional OLF.

III. Conclusion

As weapon systems grow more complex, the increased training places stress on training ranges.⁴⁹ Growing training footprints or future realignments will escalate the encroachment debate. The Washington County OLF has sparked an important debate about how to mitigate noise. Whether the Navy builds its OLF or BRAC 2005 realigns NAS Oceana to everyone's surprise, one issue is clear: the federal government's role in land use planning has started another battle.

⁴⁸ Final Selection Criteria, 69 Fed. Reg. 6948 (Feb. 12, 2004).

⁴⁹ David Loomis, *Combat Zoning: Military Land Use Planning in Nevada*. (Reno: University of Nevada Press, 1993), 70-71.

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